

AMENDED IN ASSEMBLY MAY 23, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2903

Introduced by Assembly Member Huffman
(Principal coauthor: Senator Migden)
(Coauthor: Assembly Member Adams)
(Coauthors: Senators Dutton, Harman, and Scott)

February 22, 2008

An act to ~~amend Section 11834.20 of~~ *add Section 11834.05 to* the Health and Safety Code, relating to alcohol and drug abuse treatment facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2903, as amended, Huffman. Alcohol and drug abuse treatment facilities.

Under existing law, the State Department of Alcohol and Drug Programs licenses adult alcoholism or drug abuse recovery or treatment facilities. Existing law ~~allows the department to issue a license to a facility wherein separate buildings or portions of a residential facility are integral components of a single alcoholism or drug abuse recovery or treatment facility and all of the components of the facility are managed by the same licensee if the applicant meets specified requirements~~ *requires any person or entity applying for licensure to file with the department a completed written application for licensure, an approved fire clearance, and a licensure fee.*

~~Existing law requires a facility that serves 6 or fewer persons to be considered a residential use of property for various purposes. Existing law prohibits for purposes of all local ordinances a facility that serves 6 or fewer persons from being included within the definition of a~~

boarding house or other similar term that implies that the facility is a business run for profit or differs in any other way from a single-family residence.

This bill would provide that a facility that serves six or fewer persons does not include a facility wherein separate buildings or portions of a residential facility are integral components of a single alcoholism or drug abuse recovery or treatment facility that serves more than 6 persons and all of the components of the facility are managed by the same licensee.

This bill would authorize the department to require any person or entity applying for licensure to provide specified information to the department regarding the facility or treatment or recovery program.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11834.05 is added to the Health and
- 2 Safety Code, to read:
- 3 11834.05. The department may require any person or entity
- 4 applying for licensure to provide the department, before a license
- 5 is issued, any of the following:
- 6 (a) Evidence that the treatment or recovery program meets
- 7 existing zoning requirements.
- 8 (b) Evidence that the facilities have secured all required fire
- 9 permits and business licenses.
- 10 (c) A copy of a neighbor introduction letter, including the name
- 11 of, and contact information for, the licensed program.
- 12 (d) Copies of written materials about the program that can be
- 13 shared with neighbors.
- 14 (e) Copies of a written protocol or procedures for program staff
- 15 to follow when a complaint about the facility is received.
- 16 SECTION 1. Section 11834.20 of the Health and Safety Code
- 17 is amended to read:
- 18 11834.20. The Legislature hereby declares that it is the policy
- 19 of this state that each county and city shall permit and encourage
- 20 the development of sufficient numbers and types of alcoholism or
- 21 drug abuse recovery or treatment facilities as are commensurate
- 22 with local need.

1 The provisions of this article apply equally to any chartered city;
2 general law city, county, city and county, district, and any other
3 local public entity.

4 For the purposes of this article, “six or fewer persons” does not
5 include the licensee or members of the licensee’s family or persons
6 employed as facility staff. For purposes of this article a facility
7 that serves six or fewer persons shall not include a facility wherein
8 separate buildings or portions of a residential facility are integral
9 components of a single alcoholism or drug abuse recovery or
10 treatment facility that serves more than six persons and all of the
11 components of the facility are managed by the same licensee.